

AMENDED IN SENATE JUNE 26, 2000

AMENDED IN SENATE JULY 6, 1999

AMENDED IN ASSEMBLY APRIL 27, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 970

Introduced by Assembly Member Ducheny

February 25, 1999

An act to add Section 25201.16 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 970, as amended, Ducheny. Hazardous waste treatment: elementary neutralization.

Existing law requires hazardous waste facilities, including, but not limited to, treatment facilities, to operate under hazardous waste facilities permits or other grants of authorization issued by the Department of Toxic Substances Control. Existing law exempts, from hazardous waste facilities requirements, an owner and operator of an elementary neutralization unit that neutralizes specified wastewaters that are hazardous solely due to corrosivity or toxicity that results only from certain alkaline or acidic materials.

This bill would additionally exempt, from the requirement to obtain a waste facilities permit from the department, a generator who treats hazardous waste in an elementary neutralization unit, if the hazardous waste is hazardous solely due to corrosivity or toxicity that results only from the acidic

or alkaline materials and does not contain more than 10%, by weight, of acidic or alkaline constituents, and if the treatment meets other specified requirements. ~~The bill would also exempt an owner or operator of a wastewater elementary neutralization unit from the requirements of the hazardous waste control laws, that regulates generators, tanks, and tank systems, and the hazardous waste facilities permit requirements, if the owner or operator treats certain wastewaters generated as the result of a process upset or other abnormal condition and complies with specified notification requirements.~~

The bill would require the department to evaluate, by January 1, 2002, certain records obtained by the California Environmental Protection Agency regarding elementary neutralization of wastewater and to submit a report to the Legislature by March 1, 2002, if the department makes a specified determination.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25201.16 is added to the Health
- 2 and Safety Code, to read:
- 3 25201.16. (a) A generator who treats hazardous
- 4 waste that is hazardous solely due to corrosivity or toxicity
- 5 that results only from the acidic or alkaline materials and
- 6 that does not contain more than 10 percent, by weight, of
- 7 acidic or alkaline constituents, is exempt from the
- 8 requirement to obtain a hazardous waste facilities permit
- 9 from the department, with regard to that treatment, if
- 10 the generator meets all of the conditions specified in
- 11 subdivision (d) of Section 25201.5 and the treatment
- 12 meets all of the following requirements:
- 13 (1) The treatment occurs in an elementary
- 14 neutralization unit, as defined in Section 66260.10 of Title
- 15 22 of the California Code of Regulations, or any successor
- 16 regulation.
- 17 (2) The elementary neutralization process will not
- 18 raise the temperature of the hazardous waste to within 10

1 degrees of the boiling point or cause the release of
2 hazardous gaseous emissions, the generator documents
3 this fact through laboratory analysis or scientific
4 calculations, and includes these calculations in the notice
5 required by paragraph (7) of subdivision (d) of Section
6 25201.5.

7 (3) The hazardous waste is not diluted for the sole
8 purpose of meeting the requirement that it not contain
9 more than 10 percent, by weight, of acidic or alkaline
10 constituents.

11 (4) The temperature of any unit, which is 100 gallons
12 or larger, is automatically monitored and fitted with a
13 high temperature alarm system.

14 (5) If the elementary neutralization unit is a closed
15 system, the unit automatically controls the adding and
16 mixing of corrosive and neutralizing solutions.

17 (6) After neutralization, the wastewaters do not
18 exhibit the characteristic of corrosivity, as described in
19 Section 66261.22 of Title 22 of the California Code of
20 Regulations, or any successor regulation.

21 (7) For existing *and new* tank systems, as defined in
22 Section 66260.10 of Title 22 of the California Code of
23 Regulations, the generator shall provide secondary
24 containment for the elementary neutralization tank
25 system in accordance with Section 66265.193 of Title 22 of
26 the California Code of Regulations, unless all of the
27 following enhanced risk and inspection program
28 elements are met:

29 (A) The tank system is in compliance, where
30 applicable, with Sections 66265.190 to 66265.196, inclusive,
31 of Title 22 of the California Code of Regulations, except
32 for references to Section 66265.193 of Title 22 of the
33 California Code of Regulations.

34 (B) All accessible parts of the tank system are visually
35 inspected once each operating day for signs of
36 deterioration that could result in leaks.

37 (C) All inaccessible or otherwise nonvisually
38 inspectable piping, such as underground sewers, ~~are~~ *is*
39 constructed of corrosion resistant materials, and ~~undergo~~
40 *a undergoes an* internal videotape inspection once every

1 three years to identify areas of deterioration that could
2 result in leaks.

3 (D) The tank system is not subject to secondary
4 containment or integrity assessment requirements
5 pursuant to the federal act or to the regulations adopted
6 pursuant to the ~~Federal Act~~ *federal act*.

7 ~~(E) The generator has completed a Phase I~~
8 ~~environmental assessment in accordance with Section~~
9 ~~25200.14 that indicates that there is no known heavy~~
10 ~~metals contamination within 300 feet of the elementary~~
11 ~~neutralization system, or if indicated by the Phase I~~
12 ~~environmental assessment, an environmental~~
13 ~~investigation conducted in accordance with subdivision~~
14 ~~(c) of Section 25200.14 that demonstrates no heavy metals~~
15 ~~contamination.~~

16 ~~(8) For new tank systems, the generator shall provide~~
17 ~~secondary containment for the elementary~~
18 ~~neutralization tank in accordance with Section 66265.193~~
19 ~~of Title 22 of the California Code of Regulations. In~~
20 ~~addition, for new tank systems, the generator shall also~~
21 ~~provide secondary containment for the ancillary~~
22 ~~equipment and piping, as defined in Section 66260.10 of~~
23 ~~Title 22 of the California Code of Regulations, in~~
24 ~~accordance with Section 66265.193 of Title 22 of the~~
25 ~~California Code of Regulations, unless all of the following~~
26 ~~enhanced risk and inspection program elements are met:~~

27 ~~(A) The tank system is in compliance with, where~~
28 ~~applicable, Sections 66265.190 to 66265.196, inclusive, of~~
29 ~~Title 22 of the California Code of Regulations, except for~~
30 ~~references to Section 66265.193 of Title 22 of the~~
31 ~~California Code of Regulations.~~

32 ~~(B) All accessible parts of the system are visually~~
33 ~~inspected once each operating day for signs of~~
34 ~~deterioration that could result in leaks.~~

35 ~~(C) All inaccessible or otherwise nonvisually~~
36 ~~inspectable piping, such as underground sewers, are~~
37 ~~constructed of corrosion resistant materials, and undergo~~
38 ~~a internal videotape inspection once every three years to~~
39 ~~identify areas of deterioration that could result in leaks.~~

~~(D) The tank system is not subject to secondary containment or integrity assessment requirements pursuant to the federal act or to the regulations adopted pursuant thereto.~~

~~(E) The generator has completed a Phase I environmental assessment in accordance that indicates that there is no known heavy metals contamination within 300 feet of the elementary neutralization system; or if indicated by the Phase I environmental assessment, an environmental investigation conducted in accordance with subdivision (e) of Section 25200.14 that demonstrates no heavy metals contamination.~~

~~(b) An owner or operator of a wastewater elementary neutralization unit, not typically used to treat hazardous waste having a pH less than 2.0 or greater than 12.5, is exempt from any requirement imposed pursuant to this chapter, including any regulation adopted pursuant to this chapter, that regulates generators, tanks, and tank systems, and the requirement to obtain a hazardous waste facilities permit or other grant of authorization from the department, if the owner or operator treats wastewater which is hazardous solely due to acidic or basic materials generated as the result of a process upset or other abnormal condition, if both of the following conditions are met:~~

~~(1) Within 10 days of operation of the unit to treat the hazardous wastewater, the operator notifies the certified uniform program agency of the operation of the unit under the exemption granted pursuant to this subdivision. If the operator is not under the jurisdiction of a certified uniform program agency, the notice shall be sent to the officer of the agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (2) of subdivision (c) of Section 25404.~~

~~(2) The hazardous wastes in the elementary neutralization unit do not contain more than 10 percent, by weight, of acidic or alkaline constituents.~~

~~(c)~~

1 (b) This section does not apply to a generator who
2 treats hazardous waste pursuant to Section 25201.13 or
3 25201.15 or subdivision (a) or (c) of Section 25201.5.

4 ~~(d)~~

5 (c) (1) For purposes of the inspection requirements
6 of Section 25201.4, a generator treating hazardous waste
7 pursuant to this section shall be considered to be
8 operating pursuant to a conditional exemption.

9 (2) In complying with the recordkeeping
10 requirements of subdivision (b) of Section 25201.5, a
11 generator treating hazardous waste pursuant to this
12 section shall, in addition, maintain onsite, for a period of
13 three years, adequate records necessary to demonstrate
14 compliance with the requirements and conditions of this
15 section.

16 *SEC. 2. On or before January 1, 2002, the Department*
17 *of Toxic Substances Control shall evaluate all records*
18 *obtained by the California Environmental Protection*
19 *Agency that contain information regarding tank system*
20 *operations, replacements, and closures associated with*
21 *elementary neutralization activities of wastewater and*
22 *any reports on any releases and their resulting*
23 *environmental impact. If the department determines*
24 *that statutory changes are needed to the requirements for*
25 *secondary containment or the enhanced risk and*
26 *inspection program of paragraph (7) of subdivision (a)*
27 *Section 25201.16 of the Health and Safety Code, the*
28 *department shall recommend those changes to the*
29 *Governor and the Legislature on or before March 1, 2002.*